

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY DOCKET NUMBER

X16180

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

JUL 15 2005

10/542579

INTERNATIONAL APPLICATION NO.
PCT/US2004/002015

INTERNATIONAL FILING
DATE
10 February 2004 (10.02.04)

PRIORITY DATE CLAIMED
14 February 2003 (14.02.03)

TITLE OF INVENTION: SULFONAMIDE DERIVATIVES AS PPAR MODULATORS

APPLICANT(S) FOR DO/EO/US: Scott Eugene CONNER, Lynn Stacy GOSSETT, Jonathan Edward GREEN, Winton Dennis JONES, Jr., Nathan Bryan MANTLO, Donald Paul MATTHEWS, Daniel Ray MAYHUGH, Daryl Lynn SMITH, Jennifer Ann VANCE, Xiaodong WANG, Alan M WARSHAWSKY, Leonard Larry WINNEROSKI, Jr., Yanping XU, and Guoxin ZHU

Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☐ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 12. to 18. below concern document(s) or information included:

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel _____, frame _____.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☒ A Sequence Listing, 1.821 Statement, and diskette.
18. ☒ A Power of Attorney with Certificate 3.73(b).
18. ☒ Other items or information:

Please amend the first page of the specification by inserting the following cross-reference after the title:
"This is the national phase application, under 35 USC 371, for PCT/US2004/002015, filed 10 February 2004, which, claims the benefit, under 35 USC 119(e), of US provisional application 60/448,307, filed 14 February 2003."

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.53) 107542379 INTERNATIONAL APPLICATION NO. PCT/US2004/002015		ATTORNEY'S DOCKET NUMBER <div style="text-align: right; font-weight: bold; font-size: 1.2em;">X16180</div>																																																																																		
19.	<input checked="" type="checkbox"/>	The following fees are submitted: <div style="margin-top: 5px;"> Basic National Stage Fee = \$ 300.00 </div> <div style="margin-top: 10px;"> National Stage Search Fee = \$ 500.00 </div> <div style="margin-top: 10px;"> National Stage Examination Fee = \$ 200.00 </div> <div style="margin-top: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>TOTAL NATIONAL STAGE FEES</div> <div>\$1,000.00 (a)</div> </div> </div> <div style="margin-top: 10px;"> Application Length Fee </div> <div style="margin-top: 10px;"> Total Length (excluding sequence listings) </div> <div style="margin-top: 10px;"> 433 - 100 = 333 excess pages (b) </div> <div style="margin-top: 10px;"> No extra charge for first 100 pages. Must pay \$250 for each addl 50 pages (or fraction thereof). </div>	<div style="text-align: center; font-weight: bold; font-size: 0.8em;">CALCULATIONS PTO USE ONLY</div>																																																																																	
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; text-align: right; padding: 5px;">ENTER APPROPRIATE AMOUNT (a + b) =</td> <td style="width:20%; text-align: right; padding: 5px;">\$2,750.00</td> <td style="width:20%;"></td> </tr> <tr> <td style="padding: 5px;">Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</td> <td style="text-align: right; padding: 5px;">\$</td> <td></td> </tr> <tr> <td style="padding: 5px;"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:40%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">39-20=</td> <td style="text-align: center;">19</td> <td style="text-align: right;">X \$50.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">5-3=</td> <td style="text-align: center;">2</td> <td style="text-align: right;">X \$200.00</td> </tr> </table> </td> <td style="text-align: right; padding: 5px;">\$ 950.00</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: right; padding: 5px;">\$ 400.00</td> <td></td> </tr> <tr> <td colspan="3" style="padding: 5px;">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: right; padding: 5px;">+ \$360.00</td> <td style="text-align: right; padding: 5px;">\$</td> </tr> <tr> <td colspan="3" style="text-align: right; padding: 5px;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: right; padding: 5px;">\$1,350.00</td> <td></td> </tr> <tr> <td colspan="3" style="padding: 5px;">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td> <td style="text-align: right; padding: 5px;">\$</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right; padding: 5px;">SUBTOTAL =</td> <td style="text-align: right; padding: 5px;">\$4,100.00</td> <td></td> </tr> <tr> <td colspan="3" style="padding: 5px;">Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: right; padding: 5px;">\$</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right; padding: 5px;">TOTAL NATIONAL FEE =</td> <td style="text-align: right; padding: 5px;">\$4,100.00</td> <td></td> </tr> <tr> <td colspan="3" style="padding: 5px;">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).</td> <td style="text-align: right; padding: 5px;">\$</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right; padding: 5px;">\$40.00 per property</td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right; padding: 5px;">TOTAL FEES ENCLOSED =</td> <td style="text-align: right; padding: 5px;">\$4,100.00</td> <td></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right; padding: 5px; font-weight: bold;">Amount to be refunded</td> <td style="text-align: right; padding: 5px;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right; padding: 5px; font-weight: bold;">charged</td> <td style="text-align: right; padding: 5px;">\$</td> </tr> </table>		ENTER APPROPRIATE AMOUNT (a + b) =	\$2,750.00		Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:40%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">39-20=</td> <td style="text-align: center;">19</td> <td style="text-align: right;">X \$50.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">5-3=</td> <td style="text-align: center;">2</td> <td style="text-align: right;">X \$200.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	39-20=	19	X \$50.00	Independent claims	5-3=	2	X \$200.00	\$ 950.00					\$ 400.00		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	TOTAL OF ABOVE CALCULATIONS =			\$1,350.00		Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$		SUBTOTAL =			\$4,100.00		Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$		TOTAL NATIONAL FEE =			\$4,100.00		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).			\$		\$40.00 per property					TOTAL FEES ENCLOSED =			\$4,100.00					Amount to be refunded	\$				charged	\$
ENTER APPROPRIATE AMOUNT (a + b) =	\$2,750.00																																																																																			
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																																																																																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:40%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">39-20=</td> <td style="text-align: center;">19</td> <td style="text-align: right;">X \$50.00</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">5-3=</td> <td style="text-align: center;">2</td> <td style="text-align: right;">X \$200.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	39-20=	19	X \$50.00	Independent claims	5-3=	2	X \$200.00	\$ 950.00																																																																							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																																																																	
Total claims	39-20=	19	X \$50.00																																																																																	
Independent claims	5-3=	2	X \$200.00																																																																																	
			\$ 400.00																																																																																	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$																																																																																
TOTAL OF ABOVE CALCULATIONS =			\$1,350.00																																																																																	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$																																																																																	
SUBTOTAL =			\$4,100.00																																																																																	
Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$																																																																																	
TOTAL NATIONAL FEE =			\$4,100.00																																																																																	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).			\$																																																																																	
\$40.00 per property																																																																																				
TOTAL FEES ENCLOSED =			\$4,100.00																																																																																	
			Amount to be refunded	\$																																																																																
			charged	\$																																																																																
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of \$4,100.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.		NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																																																																																		
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288 <div style="margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <div style="border-bottom: 1px solid black; width: 150px;"></div> <div style="border-bottom: 1px solid black; width: 150px;"></div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> Date </div> </div>		<div style="text-align: center; margin-bottom: 20px;"> SIGNATURE </div> <div style="text-align: center; margin-bottom: 20px;"> _____ Soonhee JANG </div> <div style="text-align: center;"> (317) 651-3571 TELEPHONE NUMBER </div>																																																																																		
REGISTRATION NUMBER: 44,802		<div style="margin-bottom: 10px;"> </div> <div style="font-size: 1.5em; font-weight: bold; margin-bottom: 5px;">25885</div> PATENT TRADEMARK OFFICE																																																																																		

10/542579

IN THE UNITED STATES RECEIVING OFFICE (USRO)

JC17 Rec'd PCT/PTO 15 JUL 2005

Applicant(s): Scott Eugene CONNER, Lynn Stacy GOSSETT, Jonathan Edward GREEN, Winton Dennis JONES, Jr., Nathan Bryan MANTLO, Donald Paul MATTHEWS, Daniel Ray MAYHUGH, Daryl Lynn SMITH, Jennifer Ann VANCE, Xiaodong WANG, Alan M WARSHAWSKY, Leonard Larry WINNEROSKI, Jr., Yanping XU, and Guoxin ZHU

International Application No.: PCT/US2004/002015

Filed: 10 February 2004 (10.02.04)

Invention: SULFONAMIDE DERIVATIVES AS PPAR MODULATORS

Lilly Reference: X16180

Earliest Priority Date: 14 February 2003 (14.02.03)

Certificate Under 37 C.F.R. § 1.10

Attention: DO/EO
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EV 393128597 US

Date of Deposit: 15 July 2005

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN Thomas
(Typed or printed name of person mailing paper)

Queen Thomas
(Signature of person mailing paper or fee)